



#10
L.B.
PATENT 5/13/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/966,176 Confirmation No. : 5504
Applicant : Elrick Lennaert Cornelius et al.
Filed : September 28, 2001
Title : Microphone For A Hearing Aid Or Listening Device
With Improved Internal Dampening And Foreign Material Protection

TC/A.U. : 2643
Examiner : Lun S. Lao

Docket No. : 47161-00026USPT
Customer No. : 30223

RECEIVED

MAR 10 2004

Technology Center 2600

**FIFTH INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §§ 1.97 AND 1.98**

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Fee Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

2/27/2004
Date

Adrienne White

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Fifth Information Disclosure Statement be entered, and the references listed on enclosed Form PTO-1449 be considered by the Examiner and made of record. In accordance with 37 C.F.R. § 1.98(d), copies of the listed references are enclosed.

In accordance with 37 C.F.R. §§ 1.97(g) and (h), this Fifth Information Disclosure Statement is not to be construed as a representation that a search has been made, or an admission that the information disclosed is, or is considered to be, prior art with respect to the present application or material to patentability, as defined in 37 C.F.R. § 1.56.

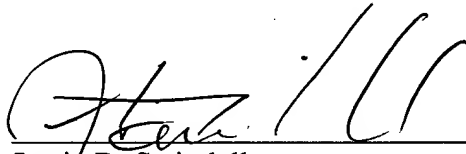
In accordance with 37 C.F.R. § 1.97(e)(1), Applicants hereby certify that each item of the information contained in this Information Disclosure Statement was cited in a communication

from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present statement, as evidenced by the enclosed search report dated October 16, 2003 for European application no. 1 298 958 A3.

The present Information Disclosure Statement is being submitted after the mailing of the first Office Action reflecting an examination on the merits but before the mailing of a Final Rejection or Notice of Allowance. Accordingly, in accordance with 37 C.F.R. § 1.97(c), a fee of \$180 is included herewith. If this check is inadvertently not enclosed, or is in error in amount, the Commissioner is authorized to charge any deficiency or to credit any over payment to Jenkins & Gilchrist Account No. 10-0447/47161-00026USPT.

Respectfully submitted,

Date: February 27, 2004



Justin D. Swindells
Reg. No. 48,733
JENKENS & GILCHRIST
225 West Washington Street, Suite 2600
Chicago, IL 60606-3418
(312) 425-3900

Attorney for Applicants